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OFFICE OF PETITIONS

In re Application of.
Christophe Dauga et al.
Application No. 10/069,402
Filed: December 9, 2002
Attorney Docket No. 012237-0290736

ON PETITION

This is a decision on the petition, filed February 29, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

A Final Office Action was mailed November 16, 2006 which set a three month period for response. In response thereof, a Notice of Appeal was filed May 15, 2007, with a three month extension of time request. Instead of filing an Appeal Brief by July 15, 2007, petitioners argue that they filed an RCE on July 6, 2007. A Notice of Abandonment however was mailed on February 5, 2008, because the RCE and amendment were not matched with the file.

A search of the application file and the USPTO records do not reveal a copy of the RCE and amendment said to have been filed however the finance records show that the fee for the RCE was in fact charged on July 6, 2007. Based upon a copy of the RCE and the post-card receipt, date stamped by the USPTO on July 6, 2007, submitted with the instant petition as proof of timely filing, the evidence presented is sufficient to prove that the response was timely. The Notice of Abandonment mailed February 5, 2008 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3714 for processing the RCE filed July 6, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions